

**Introduced by Committee on Agriculture and Water Resources  
(Senators Machado (Chair), Alpert, Ducheny, Florez,  
Hollingsworth, Kuehl, Perata, and Torlakson)**

March 10, 2004

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An act to amend Sections 230, 461, 462, 463, 465, 1009, 1058.5, 1257, 10013, 10615, 10825, 10841, 11951, 11952, 11962, 11964, 11981, 11982, 11983, 12921.3, 12929.22, 12947, 13167.5, 13415, 13515, 13523, 13523.1, 13529.2, 13530, 13627, 13952, 14957, 31035, 31144.71, 31145, 31630.5, 31631, 31633, 55335, 71610.5, and 81420 of, and to amend the heading of Chapter 7 (commencing with Section 13500) of Division 7 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1909, as introduced, Committee on Agriculture and Water Resources. Recycled water.

Existing law includes various references in the Water Code to reclaimed or recycled water. Existing law generally defines those terms to mean water that, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

This bill would substitute the term “recycled water” for “reclaimed water” and the word “recycling” for “reclamation” in various provisions of the Water Code.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 230 of the Water Code is amended to read:

230. The department, either independently or in cooperation with any person or any county, state, federal, or other agency, or upon the request of the ~~State Water Resources Control Board board~~, to the extent funds are allocated therefor, shall conduct surveys and investigations relating to the ~~reclamation~~ *recycling* of water from wastes for beneficial purposes, including, but not limited to, the determination of quantities of ~~such~~ water presently wasted, and possibilities of use of ~~such~~ water for recharge of underground storage or for agricultural or industrial uses.

SEC. 2. Section 461 of the Water Code is amended to read:

461. It is hereby declared that the primary interest of the people of the state in the conservation of all available water resources requires the maximum reuse of ~~reclaimed~~ *recycled* water in the satisfaction of requirements for beneficial uses of water.

SEC. 3. Section 462 of the Water Code is amended to read:

462. The department shall conduct studies and investigations on the availability and quality of wastewater and the uses of ~~reclaimed~~ *recycled* water for beneficial purposes, including, but not limited to, groundwater recharge, municipal and industrial use, irrigation use, and cooling for thermal electric powerplants.

SEC. 4. Section 463 of the Water Code is amended to read:

463. The department shall study and investigate the technology of the reuse of ~~reclaimed~~ *recycled* water and further the development of the technology of the ~~reclamation~~ *recycling* of water.

SEC. 5. Section 465 of the Water Code is amended to read:

465. The department may assist local agencies and public utilities providing water service in applying for, and in obtaining approval of, federal and state funding and permits for cost-effective water ~~reclamation~~ *recycling* projects and shall confer and cooperate with the board during the application and approval process.

SEC. 6. Section 1009 of the Water Code is amended to read:

1009. Any supplier of water in this state for municipal use, including the state, or any city, county, city and county, district, individual, partnership, corporation, or any other entity, may

1 undertake a water conservation program to reduce water use and  
2 may require, as a condition of new service, that reasonable  
3 water-saving devices and water ~~reclamation~~ *recycling* devices be  
4 installed to reduce water use.

5 SEC. 7. Section 1058.5 of the Water Code is amended to read:

6 1058.5. (a) This section applies to any emergency regulation  
7 adopted by the board for which the board makes both of the  
8 following findings:

9 (1) The emergency regulation is adopted to prevent the waste,  
10 unreasonable use, unreasonable method of use, or unreasonable  
11 method of diversion, of water, to promote wastewater ~~reclamation~~  
12 *recycling*, or to promote water conservation.

13 (2) The emergency regulation is adopted in response to  
14 conditions ~~which~~ *that* exist, or are threatened, in a critically dry  
15 year immediately preceded by two or more consecutive dry or  
16 critically dry years.

17 (b) Notwithstanding Sections 11346.1 and 11349.6 of the  
18 Government Code, any findings of emergency adopted by the  
19 board, in connection with the adoption of an emergency regulation  
20 to which this section applies, are not subject to review by the Office  
21 of Administrative Law.

22 (c) Any emergency regulation adopted by the board to which  
23 this section applies may remain in effect for up to 270 days, as  
24 determined by the board, and is deemed repealed immediately  
25 upon a finding by the board that due to changed conditions it is no  
26 longer necessary for the regulation to remain in effect.

27 SEC. 8. Section 1257 of the Water Code is amended to read:

28 1257. In acting upon *an* application to appropriate water, the  
29 board shall consider the relative benefit to be derived from (1) all  
30 beneficial uses of the water concerned including, but not limited  
31 to, use for domestic, irrigation, municipal, industrial, preservation  
32 and enhancement of fish and wildlife, recreational, mining and  
33 power purposes, and any uses specified to be protected in any  
34 relevant water quality control plan, and (2) the reuse or  
35 ~~reclamation~~ *recycling* of the water sought to be appropriated, as  
36 proposed by the applicant. The board may subject such  
37 appropriations to such terms and conditions as in its judgment will  
38 best develop, conserve, and utilize in the public interest, the water  
39 sought to be appropriated.

40 SEC. 9. Section 10013 of the Water Code is amended to read:

1 10013. The department, as a part of the preparation of the  
2 department's Bulletin 160-03, shall include in the California Water  
3 Plan a report on the development of regional and local water  
4 projects within each hydrologic region of the state, as described in  
5 the department's Bulletin 160-98, to improve water supplies to  
6 meet municipal, agricultural, and environmental water needs and  
7 minimize the need to import water from other hydrologic regions.  
8 The report shall include, but is not limited to, regional and local  
9 water projects that use technologies for desalting brackish  
10 groundwater and ocean water, ~~reclaiming~~ *recycling* water for use  
11 within the community generating the water to be ~~reclaimed~~  
12 *recycled*, the construction of improved potable water treatment  
13 facilities so that water from sources determined to be unsuitable  
14 can be used, and the construction of dual water systems and brine  
15 lines, particularly in connection with new developments and when  
16 replacing water piping in developed or redeveloped areas.

17 SEC. 10. Section 10615 of the Water Code is amended to read:

18 10615. "Plan" means an urban water management plan  
19 prepared pursuant to this part. A plan shall describe and evaluate  
20 sources of supply, reasonable and practical efficient uses,  
21 ~~reclamation~~ *recycling* and demand management activities. The  
22 components of the plan may vary according to an individual  
23 community or area's characteristics and its capabilities to  
24 efficiently use and conserve water. The plan shall address  
25 measures for residential, commercial, governmental, and  
26 industrial water demand management as set forth in Article 2  
27 (commencing with Section 10630) of Chapter 3. In addition, a  
28 strategy and time schedule for implementation shall be included  
29 in the plan.

30 SEC. 11. Section 10825 of the Water Code is amended to read:

31 10825. To the extent information is available, the reports shall  
32 address all of the following:

33 (a) The quantity and source of water delivered to, and by, the  
34 supplier.

35 (b) Other sources of water used within the service area, such as  
36 groundwater and other diversions.

37 (c) A general description of the supplier's water delivery  
38 system and service area, including a map.

39 (d) Total irrigated acreage within the service area.

1 (e) The amount of acreage of trees and vines grown within the  
2 service area.

3 (f) An identification of all of the following:

4 (1) Current water conservation and ~~reclamation~~ *recycling*  
5 practices being used.

6 (2) Plans for changing current water conservation plans.

7 (3) Conservation educational services being used.

8 (g) A determination of whether the supplier, through improved  
9 irrigation water management, has a significant opportunity to do  
10 one or both of the following:

11 (1) Save water by means of reduced evapotranspiration,  
12 evaporation, or reduction of flows to unusable water bodies that  
13 fail to serve further beneficial uses.

14 (2) Reduce the quantity of highly saline or toxic drainage water.

15 SEC. 12. Section 10841 of the Water Code is amended to read:

16 10841. (a) An agricultural water supplier required to prepare  
17 a plan may consult with, and obtain comments from, any public  
18 agency or state agency or any person who has special expertise  
19 with respect to water conservation and ~~reclamation~~ *recycling* and  
20 management methods and techniques.

21 (b) In order to assist agricultural water suppliers in obtaining  
22 needed expertise as provided for in subdivision (a), the  
23 department, upon request of an agricultural water supplier, shall  
24 provide the supplier with a list of persons or agencies having  
25 expertise or experience in the development of water management  
26 plans.

27 (c) The department shall prepare by July 1, 1988, an outline of  
28 model informational reports and water management plans which  
29 an agricultural water supplier may use in complying with the  
30 requirements of this part.

31 SEC. 13. Section 11951 of the Water Code is amended to read:

32 11951. The Legislature hereby finds and declares all of the  
33 following:

34 (a) Agriculture is this state's largest income producer,  
35 contributing approximately \$14 billion annually to the economy  
36 of the state. California agriculture remains the leader in the  
37 development of modern agricultural technology and is supported  
38 by the world's leading agricultural education and research  
39 institutions. However, the future growth and prosperity of  
40 agriculture is threatened by a lack of necessary irrigation water.

(b) The population of California is expected to increase by over three million persons by the year 2000. This increase alone will require at least an additional 600,000 acre-feet of water annually for municipal purposes.

(c) Upon commencement of the operation of the Central Arizona Project, which is scheduled to occur by 1985, over 662,000 acre-feet of water presently available for use each year in California will be lost to the State of Arizona pursuant to decisions of the United States Supreme Court. These court decisions decrease the total water supply available to California from the Colorado River by a quantity sufficient to supply the needs of three and one-half million people.

(d) The central San Joaquin Valley faces a critical water shortage amounting to approximately 1.4 million acre-feet annually ~~which~~ *that* is presently being mined from the groundwater basin. The lowering of the groundwater table is causing irrigation water to be pumped at excessive depths of 500 to 600 feet or more, which requires a tremendous use of energy at a high cost.

(e) Based on a 50 year average, California faces a drought in one out of every four years. During periods such as the 1976–1977 drought, the state has had critical water shortages, requiring emergency conservation measures and resulting in thousands of acres of prime agricultural land in the San Joaquin Valley remaining unplanted. At the peak of the 1976–77 drought period, the state lost approximately \$1.5 billion in crop revenues as a result of inadequate supplies of irrigation water.

(f) A portion of the foregoing water requirements may be economically met by water conservation and ~~reclamation~~ *recycling* projects ~~which~~ *that* produce substantial quantities of additional usable water for use in areas of the state with inadequate local supplies.

SEC. 14. Section 11952 of the Water Code is amended to read:

11952. (a) It is the intent of the Legislature in enacting this chapter to encourage local agencies and private enterprise to implement potential water conservation and ~~reclamation~~ *recycling* projects by establishing a state program to finance or assist in financing projects ~~which~~ *that* meet state criteria and will result in additional supplies of water for use in areas of need. Water conservation and ~~reclamation~~ *recycling* projects, including

1 facilities for municipal and industrial advanced ~~waste-water~~  
2 *wastewater* treatment, regulatory impoundments, improvements  
3 to water supply and delivery systems, tailwater recovery systems,  
4 and sprinkler or drip irrigation systems, may result in increased  
5 quantities of usable water for beneficial purposes, but may be  
6 financially unattractive at the local level if the cost of additional  
7 fresh water is less than the cost to conserve or ~~reclaim~~ *recycle*  
8 water.

9 (b) It is in the interests of both the users of water supplied by  
10 the state and the users of local water supplies to undertake water  
11 conservation and ~~reclamation~~ *recycling* projects ~~which~~ *that* supply  
12 water for purposes of the State Water Resources Development  
13 System at a cost less than the cost of new state water development  
14 facilities, and ~~which~~ *that* provide benefits to local water users,  
15 including decreased salt concentrations, resulting from increased  
16 irrigation efficiency and reduced problems of pollution from ~~waste~~  
17 ~~water~~ *wastewater* discharges. It is not the intent of the Legislature  
18 in enacting this chapter to affect or otherwise defer the  
19 construction of water facilities necessary to meet the requirements  
20 of the people of this state, and nothing in this chapter shall be  
21 construed to affect the authority of the department under any other  
22 provision of law.

23 SEC. 15. Section 11962 of the Water Code is amended to read:

24 11962. Water conservation and ~~reclamation~~ *recycling* projects  
25 eligible for assistance under this chapter include, but are not  
26 limited to, the following:

27 (a) Projects for municipal and industrial advanced ~~waste-water~~  
28 *wastewater* treatment to permit the reuse of the water for  
29 additional purposes.

30 (b) Projects for the improvement of water supply and delivery  
31 facilities.

32 (c) Projects for the improvement of on-farm irrigation systems,  
33 including tailwater recovery systems, regulatory impoundments,  
34 and sprinkler, drip, or other irrigation systems ~~which~~ *that* enable  
35 more efficient use of water.

36 SEC. 16. Section 11964 of the Water Code is amended to read:

37 11964. Water conservation or ~~reclamation~~ *recycling* projects  
38 developed pursuant to this chapter may be funded pursuant to any  
39 bond law ~~heretofore or hereafter~~ approved by the voters if the  
40 project is otherwise eligible for funding under the bond law.



SEC. 17. Section 11981 of the Water Code is amended to read:  
11981. The ~~State Water Resources Control Board~~ *board* shall establish criteria for determining both of the following:

(a) The eligibility of water ~~reclamation~~ *recycling* projects for assistance under this chapter.

(b) The economic, financial, and engineering feasibility of proposed ~~reclamation~~ *recycling* projects.

SEC. 18. Section 11982 of the Water Code is amended to read:

11982. The department shall establish criteria for determining whether a water conservation or ~~reclamation~~ *recycling* project results in a net increase in the amount of water made available for use and does not interfere with an established right to use of water by any other person or entity.

SEC. 19. Section 11983 of the Water Code is amended to read:

11983. The department and the ~~State Water Resources Control Board~~ *board* shall only approve for funding by the state under this chapter those projects ~~which~~ *that* result in a net increase in the amount of water available for use and ~~which~~ *that* do not interfere with an established right to use of water by any other person or entity. Any agreement between parties for a conservation or ~~reclamation~~ *recycling* project not using state financing shall not require approval by the department or the ~~State Water Resources Control Board~~ *board* under this chapter but shall comply with the criteria adopted under Section 11981 or 11982.

SEC. 20. Section 12921.3 of the Water Code is amended to read:

12921.3. “Project” means any physical structure or facility proposed or constructed under this chapter for the conservation, storage, regulation, ~~reclamation~~ *recycling*, treatment or transportation of water to replenish, recharge, or restore a ~~ground water~~ *groundwater* basin, or to prevent, stem, or repel the intrusion of sea water therein, or to improve the quality of the waters thereof, ~~when such~~ *if that* groundwater basin is relied upon as a source of public water supply.

SEC. 21. Section 12929.22 of the Water Code is amended to read:

12929.22. (a) Funds expended for purposes of Section 12929.20 shall be expended only for an eligible project ~~which~~ *that* is consistent with a grant application pursuant to Section



1 12929.21. The City of Los Angeles shall be the sole grantee for any  
2 funds expended for an eligible project.

3 ~~For~~

4 (b) *For* purposes of this section, “eligible project” means a  
5 water or power conservation project, a ~~waste water reclamation~~  
6 *wastewater recycling* project, a conjunctive use program, a  
7 groundwater recharge project, the enlargement of existing water  
8 or power facilities owned by the City of Los Angeles, electric  
9 power production facilities, or a water marketing program.  
10 Priority shall be given to projects or programs that conserve water  
11 or power that has been previously developed.

12 ~~It~~

13 (c) *It* is the intent of the Legislature that eligible projects are  
14 intended to find replacement water and power for the City of Los  
15 Angeles and to limit any impact of reduced diversions from the  
16 Mono Lake Basin on statewide water and power supplies, except  
17 for any reduced diversions ordered as specified in Section  
18 12929.24. No money made available pursuant to this chapter shall  
19 be spent by the city to buy water from the Metropolitan Water  
20 District of Southern California.

21 SEC. 22. Section 12947 of the Water Code is amended to read:

22 12947. (a) The Legislature finds and declares that the  
23 growing water needs of the state require the development of cost  
24 effective and efficient water supply technologies. Desalination  
25 technology is now feasible to help provide significant new water  
26 supplies from seawater, brackish water, and ~~reclaimed~~ *recycled*  
27 water. Desalination technology can also provide an effective  
28 means of treating some types of contamination in water supplies.  
29 Desalination is consistent with both state water supply and  
30 efficiency policy goals, and joint state-federal environmental and  
31 water policy and principles promoted by the Cal-Fed Bay Delta  
32 Program.

33 (b) It is the policy of this state that desalination projects  
34 developed by or for public water entities be given the same  
35 opportunities for state assistance and funding as other water supply  
36 and reliability projects, and that desalination be consistent with all  
37 applicable environmental protection policies in the state.

38 (c) It is the intention of the Legislature that the department shall  
39 undertake to find economic and efficient methods of desalting

1 saline water so that desalted water may be made available to help  
2 meet the growing water requirements of the state.

3 SEC. 23. Section 13167.5 of the Water Code is amended to  
4 read:

5 13167.5. (a) The state board or the regional board, as  
6 applicable, shall provide notice and a period of at least 30 days for  
7 public comment prior to the adoption of any of the following:

8 (1) Waste discharge requirements prescribed pursuant to  
9 Sections 13263 or 13377.

10 (2) Water ~~reclamation~~ *recycling* requirements prescribed  
11 pursuant to Section 13523.

12 (3) An order issued pursuant to Section 13320.

13 (4) A time schedule order adopted pursuant to Section 13300  
14 that sets forth a schedule of compliance and required actions  
15 relating to waste discharge requirements prescribed pursuant to  
16 Section 13263 or 13377.

17 (b) The notification required by subdivision (a) may be  
18 provided by mailing a draft of the waste discharge requirements,  
19 water ~~reclamation~~ *recycling* requirements, time schedule order, or  
20 order issued pursuant to Section 13320 to each person who has  
21 requested notice of the specific item, or by posting a draft of the  
22 respective requirements or order on the official Internet site  
23 maintained by the state board or regional board, and providing  
24 notice of that posting by electronic mail to each person who has  
25 requested notice.

26 (c) This section does not require the state board or the regional  
27 board to provide more than one notice or more than one public  
28 comment period prior to the adoption of waste discharge  
29 requirements, water ~~reclamation~~ *recycling* requirements, a time  
30 schedule order, or an order issued pursuant to Section 13320.

31 SEC. 24. Section 13415 of the Water Code is amended to read:

32 13415. (a) Loans may be made by the state board to public  
33 agencies to pay not more than one-half of the cost of studies and  
34 investigations made by ~~such~~ *those* public agencies in connection  
35 with ~~waste water reclamation~~ *wastewater recycling*.

36 (b) Not more than a total of two hundred thousand dollars  
37 (\$200,00) shall be loaned pursuant to this section in any fiscal year,  
38 and not more than fifty thousand dollars (\$50,000) shall be loaned  
39 to any public agency in any fiscal year pursuant to this section. In  
40 the event that less than two million dollars (\$2,000,000) is

1 available in any fiscal year for loans under this article, then not  
2 more than 10 percent of the available amount shall be available for  
3 loans for studies and investigations pursuant to this section.

4 (c) Applications for ~~such~~ loans shall be made in ~~such a~~ form,  
5 and shall contain ~~such~~ information, as ~~may be~~ required by the state  
6 board.

7 (d) ~~Such loans~~ *Loans* shall be repaid within a period not to  
8 exceed 10 years, with interest at a rate established in the manner  
9 provided in Section 13412.

10 SEC. 25. The heading of Chapter 7 (commencing with  
11 Section 13500) of Division 7 of the Water Code is amended to  
12 read:

13  
14 CHAPTER 7. WATER ~~RECLAMATION~~ *RECYCLING*  
15

16 SEC. 26. Section 13515 of the Water Code is amended to read:

17 13515. In order to implement the policy declarations of this  
18 chapter, the state board is authorized to provide loans for the  
19 development of water ~~reclamation~~ *recycling* facilities, or for  
20 studies and investigations in connection with water ~~reclamation~~  
21 *recycling*, pursuant to the provisions of Chapter 6 (commencing  
22 with Section 13400) ~~of this division~~.

23 SEC. 27. Section 13523 of the Water Code is amended to read:

24 13523. (a) Each regional board, after consulting with and  
25 receiving the recommendations of the State Department of Health  
26 Services and any party who has requested in writing to be  
27 consulted, and after any necessary hearing, shall, if in the  
28 judgment of the board, it is necessary to protect the public health,  
29 safety, or welfare, prescribe water ~~reclamation~~ *recycling*  
30 requirements for water ~~which~~ *that* is used or proposed to be used  
31 as ~~reclaimed~~ *recycled* water.

32 (b) The requirements may be placed upon the person  
33 ~~reclaiming~~ *recycling* water, the user, or both. The requirements  
34 shall be established in conformance with the uniform statewide  
35 reclamation criteria established pursuant to Section 13521. The  
36 regional board may require the submission of a preconstruction  
37 report for the purpose of determining compliance with the uniform  
38 statewide ~~reclamation~~ *recycling* criteria. The requirements for a  
39 use of ~~reclaimed~~ *recycled* water not addressed by the uniform

1 statewide ~~reclamation~~ *recycling* criteria shall be considered on a  
2 case-by-case basis.

3 SEC. 28. Section 13523.1 of the Water Code is amended to  
4 read:

5 13523.1. (a) Each regional board, after consulting with, and  
6 receiving the recommendations of, the State Department of Health  
7 Services and any party who has requested in writing to be  
8 consulted, with the consent of the proposed permittee, and after  
9 any necessary hearing, may, in lieu of issuing waste discharge  
10 requirements pursuant to Section 13263 or water ~~reclamation~~  
11 *recycling* requirements pursuant to Section 13523 for a user of  
12 ~~reclaimed~~ *recycled* water, issue a master ~~reclamation~~ *recycling*  
13 permit to a supplier or distributor, or both, of ~~reclaimed~~ *recycled*  
14 water.

15 (b) A master ~~reclamation~~ *recycling* permit shall include, at  
16 least, all of the following:

17 (1) Waste discharge requirements, adopted pursuant to Article  
18 4 (commencing with Section 13260) of Chapter 4.

19 (2) A requirement that the permittee comply with the uniform  
20 statewide ~~reclamation~~ *recycling* criteria established pursuant to  
21 Section 13521. Permit conditions for a use of ~~reclaimed~~ *recycled*  
22 water not addressed by the uniform statewide water ~~reclamation~~  
23 *recycling* criteria shall be considered on a case-by-case basis.

24 (3) A requirement that the permittee establish and enforce rules  
25 or regulations for ~~reclaimed~~ *recycled* water users, governing the  
26 design and construction of ~~reclaimed~~ *recycled* water use facilities  
27 and the use of ~~reclaimed~~ *recycled* water, in accordance with the  
28 uniform statewide ~~reclamation~~ *recycling* criteria established  
29 pursuant to Section 13521.

30 (4) A requirement that the permittee submit a quarterly report  
31 summarizing ~~reclaimed~~ *recycled* water use, including the total  
32 amount of ~~reclaimed~~ *recycled* water supplied, the total number of  
33 ~~reclaimed~~ *recycled* water use sites, and the locations of those sites,  
34 including the names of the hydrologic areas underlying the  
35 ~~reclaimed~~ *recycled* water use sites.

36 (5) A requirement that the permittee conduct periodic  
37 inspections of the facilities of the ~~reclaimed~~ *recycled* water users  
38 to monitor compliance by the users with the uniform statewide  
39 ~~reclamation~~ *recycling* criteria established pursuant to Section

1 13521 and the requirements of the master ~~reclamation~~ *recycling*  
2 permit.

3 (6) Any other requirements determined to be appropriate by the  
4 regional board.

5 SEC. 29. Section 13529.2 of the Water Code is amended to  
6 read:

7 13529.2. (a) Any person who, without regard to intent or  
8 negligence, causes or permits an unauthorized discharge of 50,000  
9 gallons or more of recycled water, as defined in subdivision (c), or  
10 1,000 gallons or more of recycled water, as defined in subdivision  
11 (d), in or on any waters of the state, or causes or permits such  
12 unauthorized discharge to be discharged where it is, or probably  
13 will be, discharged in or on any waters of the state, shall, as soon  
14 as (1) that person has knowledge of the discharge, (2) notification  
15 is possible, and (3) notification can be provided without  
16 substantially impeding cleanup or other emergency measures,  
17 immediately notify the appropriate regional board.

18 (b) For the purposes of this section, an unauthorized discharge  
19 means a discharge not authorized by waste discharge requirements  
20 pursuant to Article 4 of Chapter 4 (commencing with Section  
21 13260), water ~~reclamation~~ *recycling* requirements pursuant to  
22 Section 13523, a master ~~reclamation~~ *recycling* permit pursuant to  
23 Section 13523.1, or any other provision of this division.

24 (c) For the purposes of this section, “recycled water” means  
25 wastewater treated as “disinfected tertiary 2.2 recycled water,” as  
26 defined or described by the State Department of Health Services  
27 or wastewater receiving advanced treatment beyond disinfected  
28 tertiary 2.2 recycled water.

29 (d) For purposes of this section, “recycled water” means  
30 “recycled water,” as defined in subdivision (n) of Section 13050,  
31 which is treated at a level less than “disinfected tertiary 2.2  
32 recycled water,” as defined or described by the State Department  
33 of Health Services.

34 (e) The requirements in this section supplement, and shall not  
35 supplant, any other provisions of law.

36 SEC. 30. Section 13530 of the Water Code is amended to read:

37 13530. The department, either independently or in  
38 cooperation with any person or any county, state, federal, or other  
39 agency, or on request of the state board, to the extent funds are  
40 allocated therefor, shall conduct surveys and investigations

1 relating to the ~~reclamation~~ *recycling* of water from waste pursuant  
2 to Section 230.

3 SEC. 31. Section 13627 of the Water Code is amended to read:

4 13627. (a) Supervisors and operators of those wastewater  
5 treatment plants described in paragraph (1) and (2) of subdivision  
6 (b) of Section 13625 shall possess a certificate of appropriate  
7 grade. Subject to the approval of regulations by the state board,  
8 supervisors and operators of those wastewater treatment plants  
9 described in paragraph (3) of subdivision (b) of Section 13625  
10 shall possess certificates of the appropriate grade. All certificates  
11 shall be issued in accordance with, and to the extent recommended  
12 by the advisory committee and required by, regulations adopted by  
13 the state board. The state board shall develop and specify in its  
14 regulations the training necessary to qualify a supervisor or  
15 operator for certification for each type and class of plant. The state  
16 board may accept experience in lieu of qualification training. For  
17 supervisors and operators of water recycling treatment plants, the  
18 state board may approve use of a water treatment plant operator of  
19 appropriate grade certified by the State Department of Health  
20 Services pursuant to Article 3 (commencing with Section 106875)  
21 of Chapter 4 of Part 1 of Division 104 of the Health and Safety  
22 Code in lieu of a wastewater treatment plant operator certified by  
23 the state board, ~~provided~~ *except* that the state board may refuse to  
24 approve use of an operator certified by the department or may  
25 suspend or revoke its approval of the use of an operator certified  
26 by the department if the operator commits any of the prohibited  
27 acts described in Article 7 of Chapter 26 of Division 3 of Title 23  
28 of the California Code of Regulations.

29 (b) The regional water quality control board, with jurisdiction  
30 for issuing and ensuring compliance with applicable water  
31 ~~reclamation~~ *recycling* or waste discharge requirements, shall  
32 notify the department in writing if, pursuant to an inspection  
33 conducted under Section 13267, the regional board makes a  
34 determination that there is reasonable grounds for not issuing, or  
35 for suspending or revoking, the certificate of a certified water  
36 treatment plant operator who is operating or supervising the  
37 operation of a water recycling treatment plant. The department  
38 shall make its determination regarding the issuance, suspension,  
39 or revocation of a certificate in accordance with Section 106876  
40 of the Health and Safety Code.





(c) For purposes of this section, “water recycling treatment plant” means a treatment plant that receives and further treats secondary or tertiary effluent, or both, from a wastewater treatment plant.

(d) A person employed as a wastewater treatment plant supervisor or operator on the effective date of regulations adopted pursuant to this chapter shall be issued an appropriate certificate if the person meets the training, education, and experience requirements prescribed by regulations.

(e) The state board may refuse to grant, suspend, or revoke any certificate issued by the state board to operate a wastewater treatment plant, or may place on probation, or reprimand, the certificate holder upon any reasonable ground, including, but not limited to, all of the following reasons:

(1) Submitting false or misleading information on an application for a certificate.

(2) The employment of fraud or deception in the course of operating the wastewater treatment plant.

(3) A certificate holder’s failure to use reasonable care or judgment in the operation of the plant.

(4) A certificate holder’s inability to perform operating duties properly.

(5) Willfully or negligently violating, or causing, or allowing the violation of, waste discharge requirements or permits issued pursuant to the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

(f) The state board shall conduct all proceedings for the refusal to grant a certificate, and suspension or revocation of a certificate, pursuant to subdivision (c), in accordance with the rules adopted pursuant to Section 185.

SEC. 32. Section 13952 of the Water Code is amended to read:

13952. (a) Notwithstanding the provisions of Sections 13950 and 13951, water containing waste ~~which~~ *that* has been placed in a sanitary sewer system for treatment and transportation outside of the Lake Tahoe Basin may be ~~reclaimed~~ *recycled* in a pilot ~~reclamation~~ *recycling* project to demonstrate the technological and environmental feasibility of using ~~such~~ *that* water for beneficial purposes within the Lake Tahoe Basin in accordance with the provisions of the Water ~~Reclamation~~



1 *Recycling* Law (Chapter 7 (commencing with Section 13500) of  
2 this division) and ~~the provisions of this section.~~

3 ~~Prior~~

4 (b) ~~Prior~~ to the initiation of any pilot ~~reclamation~~ *recycling*  
5 project within the Lake Tahoe Basin, the ~~reclaimer or reuser~~  
6 *project proponent* shall submit the project with technical data to  
7 the regional board for the Lahontan region for approval. Only  
8 those projects submitted before January 1, 1984, shall be  
9 considered. The technical data submitted shall demonstrate that  
10 ~~such the pilot reclamation~~ *recycling* project will not, individually  
11 or collectively, directly or indirectly, adversely affect the quality  
12 of the waters of Lake Tahoe. The intended operational life of the  
13 project shall be at least 10 years.

14 ~~No~~

15 (c) ~~No~~ pilot *reclamation* project shall be initiated unless and  
16 until ~~such the~~ regional board approves the project, and finds that  
17 ~~such the pilot reclamation~~ *recycling* project or projects will not,  
18 individually or collectively, directly or indirectly, adversely affect  
19 the quality of the waters of Lake Tahoe. The regional board for the  
20 Lahontan region shall place conditions on any approved project to  
21 include specification of maximum project size. The regional board  
22 for the Lahontan region may suspend or terminate an approved  
23 project for cause at any time.

24 SEC. 33. Section 14957 of the Water Code is amended to read:

25 14957. When rating project proposals affecting shellfish  
26 growing areas for state and federal funding under Sections 205 and  
27 319 of the federal Clean Water Act (33 U.S.C. ~~See 1251 et seq.;~~  
28 Secs. 1285 and 1329) or from other funding sources, the state  
29 board and regional boards shall give timely notice to the California  
30 Aquaculture Association and shall provide shellfish growers with  
31 the opportunity to comment on the following types of project  
32 proposals:

33 (a) Project proposals that seek to identify the nature, sources,  
34 scope, and degree of pollution threatening a commercial shellfish  
35 growing area.

36 (b) Project proposals that seek to reduce or eliminate the impact  
37 of point or nonpoint *source* pollution that affects a commercial  
38 shellfish growing area. Proposals under this subdivision shall  
39 include waste ~~reclamation~~ *recycling* projects.

40 SEC. 34. Section 31035 of the Water Code is amended to read:

1 31035. A district may undertake a water conservation  
2 program to reduce water use and may require as a condition of new  
3 service that reasonable water-saving devices and water  
4 ~~reclamation~~ *recycling* devices be installed to reduce water use.

5 SEC. 35. Section 31144.71 of the Water Code is amended to  
6 read:

7 31144.71. (a) For the common benefit of the district and for  
8 the purpose of managing the groundwater basin and managing,  
9 replenishing, regulating, and protecting the groundwater supplies  
10 within the district, the Malaga County Water District may exercise  
11 any of the following powers:

12 (1) Provide for the conjunctive use of groundwater and surface  
13 water resources within the district.

14 (2) Store water in underground water basins or reservoirs  
15 within or outside of the district.

16 (3) Exchange water.

17 (4) Distribute water to persons in exchange for ceasing or  
18 reducing groundwater extractions.

19 (5) Transport, ~~reclaim~~ *recycle*, purify, treat, inject, extract, or  
20 otherwise manage and control water for the beneficial use of  
21 persons or property within the district and to improve and protect  
22 the quality of groundwater supplies within the district.

23 (b) The district ~~may~~, pursuant to Sections 31020 and 31021,  
24 *may* enter into an agreement or agreements with other public  
25 agencies for the purpose of participating in basinwide  
26 groundwater management activities.

27 SEC. 36. Section 31145 of the Water Code is amended to read:

28 31145. In addition to the other powers provided by law, the  
29 Stinson Beach County Water District, Marin County, shall have all  
30 of the following powers and shall promptly and effectively  
31 exercise such powers as may be appropriate for improving water  
32 quality and supply, reducing use of water, and preventing  
33 nuisance, pollution, waste, and contamination of water:

34 (a) To carry on technical and other investigations,  
35 examinations, or tests, of all kinds, make measurements, collect  
36 data, and make analyses, studies, and inspections pertaining to the  
37 water supply, use of water, water quality, nuisance, pollution,  
38 waste, and contamination of water, both within and ~~without~~  
39 *outside* the district, including, but not limited to, such activities

1 related to *the* use of public, combined, or private septic and septic  
2 tank disposal systems.

3 (b) To regulate, prohibit, or control the discharge of pollutants,  
4 waste, or any other materials into the ground or surface waters of  
5 the district or the contiguous seashores of the district by requiring  
6 dischargers to obtain a permit from the district prior to any such  
7 discharge and by prohibiting the discharge of pollutants, sewage,  
8 septic drainage, or any other material ~~which~~ *that* does or may cause  
9 a nuisance into the ground or surface waters of the district or the  
10 contiguous seashores of the district without a permit having first  
11 been obtained from the district; to charge fees for the issuance and  
12 periodic renewal of such permits in such amount as will defray all  
13 or a portion of the costs of exercising the powers provided in this  
14 article; to require all permittees to indemnify the district from any  
15 and all damages, penalties, or other expenses imposed on or  
16 required of the district by federal, state, regional, or local agencies  
17 due to any discharge by such permittees into ground or surface  
18 waters of the district or the contiguous seashores of the district; to  
19 require as a condition of obtaining discharge permits from the  
20 district that all such dischargers also obtain state and federal waste  
21 discharge permits and any other permits required by federal, state,  
22 regional, or local law.

23 (c) To adopt and enforce regulations within the incorporated  
24 and unincorporated areas of the district, after holding a public  
25 hearing on reasonable notice thereof, to control and enhance the  
26 quality of the ~~ground~~ *groundwater* and surface waters of the  
27 district, to eliminate the pollution, waste, and contamination of  
28 water flowing into, through, or originating within water courses  
29 and impoundments, both natural and artificial, within the district,  
30 to prevent contamination, nuisance, pollution, or otherwise  
31 rendering unfit for beneficial use the surface *water* or ~~ground~~  
32 ~~water~~ *groundwater* used or useful in the district, and to expend  
33 such amounts as are necessary to exercise such powers from the  
34 funds of the district.

35 (d) To increase, to improve the quality of, and to prevent the  
36 waste or diminution of the water supply in, or unlawful exportation  
37 of water from, the district; to obtain, retain, conserve, treat by  
38 physical, chemical, or biological processes, or otherwise ~~reclaim~~  
39 *recycle* sanitary, sewage, drainage, storm, flood, and other water  
40 for beneficial use within the district or for storage, discharge, or

1 disposal in accordance with legally established water quality  
2 specifications; and, whenever the board of directors shall find it to  
3 be in the best interests of the district so to do, to sell such water for  
4 agricultural, domestic, or other beneficial purposes within or  
5 ~~without~~ *outside* the district upon such terms and conditions as may  
6 be prescribed by the board.

7 SEC. 37. Section 31630.5 of the Water Code is amended to  
8 read:

9 31630.5. As used in this chapter:

10 (a) “Annual” or “year” means a calendar year unless the  
11 context indicates a contrary meaning.

12 (b) “District” means the Coachella Valley Water District.

13 (c) “Fiscal year” means the period of July 1 through June 30,  
14 inclusive.

15 (d) “Production” or “produce” means the extraction of  
16 groundwater by pumping or any other method within the  
17 boundaries of the district or the diversion within the district of  
18 surface supplies ~~which~~ *that* naturally replenish the groundwater  
19 supplies within the district and are used therein.

20 (e) “Producer” means any individual, partnership, association  
21 or group of individuals, lessee, firm, private corporation, or any  
22 public agency or public corporation, including, but not limited to,  
23 the Coachella Valley Water District.

24 (f) “Minimal pumper” means any producer who produces 25  
25 or fewer acre-feet in any year.

26 (g) “Replenishment” and “replenishing” include incentive  
27 programs encouraging producers to use ~~reclaimed~~ *recycled* water  
28 supplied by the district, or Colorado River water from the district’s  
29 Coachella Branch Canal, for irrigation or other purposes, instead  
30 of groundwater.

31 (h) “Supplemental water” means water from the State Water  
32 Resources Development System, or from the Colorado River  
33 Aqueduct of the Metropolitan Water District of Southern  
34 California, or from any other source ~~which~~ *that* is not part of the  
35 natural replenishment of the groundwater supplies within the  
36 district, including ~~reclaimed~~ *recycled* water.

37 SEC. 38. Section 31631 of the Water Code is amended to read:

38 31631. By May 1 of each year the board shall have prepared  
39 and presented to it an engineering survey and report concerning the  
40 groundwater supplies within the district. The report shall include

1 the condition of the groundwater supplies, the need for  
2 replenishment, and recommendations for any replenishment  
3 program, including the source and amount of replenishment water,  
4 the cost of purchasing or producing, transporting, and spreading  
5 this water, and the cost of “in lieu” programs, including incentives  
6 to use Colorado River water or ~~reclaimed~~ *recycled* water in place  
7 of groundwater. In connection with any proposed replenishment  
8 program, the report shall also describe the area or areas benefited,  
9 either directly or indirectly, the amount of water production  
10 produced in each area during the prior year, and shall recommend  
11 the amount of assessment to be levied upon all production within  
12 the benefited area or areas.

13 SEC. 39. Section 31633 of the Water Code is amended to read:  
14 31633. The amount of any replenishment assessment levied  
15 within an area of benefit shall be established at the discretion of the  
16 board, except that no assessment shall exceed the sum of the  
17 following costs and charges:

18 (a) Those charges imposed under the contract between the  
19 district and the state for an imported water supply from the State  
20 Water Resources Development System consisting of all of the  
21 following:

22 (1) The variable operation, maintenance, power, and  
23 replacement component of the transportation charge.

24 (2) The off-aqueduct power facilities component of the  
25 transportation charge.

26 (3) The delta water charge.

27 (4) Any surplus water or unscheduled water charge.

28 (5) Sums paid by the district to the Desert Water Agency for  
29 payment of similar charges under a similar contract the agency has  
30 with the state as provided in the water management agreement of  
31 July 1, 1976, as amended.

32 (b) The cost of recharging the groundwater basin with imported  
33 water from the State Water Resources Development System not  
34 included in subdivision (a).

35 (c) The cost of importing and recharging water from sources  
36 other than the State Water Resources Development System.

37 (d) The cost of treatment and distribution of ~~reclaimed~~ *recycled*  
38 water for recharge or for direct use in lieu of groundwater.

39 (e) The cost of programs providing incentives to use ~~reclaimed~~  
40 *recycled* water or Colorado River water in place of groundwater.

SEC. 40. Section 55335 of the Water Code is amended to read:  
55335. (a) A district may acquire and conserve water supplies from any available source, including underground water basins within the same county, imported supplies, streams, ~~waste water wastewater~~, and ~~storm water~~ *stormwater*.

~~A~~

(b) A district may acquire, purify, treat and ~~reclaim~~ *recycle* saline water or sewage or both; may store, distribute, and sell the water and byproducts resulting from such purification, treatment and reclamation; and may acquire, construct and maintain pipelines, flumes, ditches, reservoirs, sewage purification plants, sewage collection systems, saline water demineralization plants, and ~~such~~ other works and facilities ~~as~~ *that* are necessary or convenient to carry out these powers.

SEC. 41. Section 71610.5 of the Water Code is amended to read:

71610.5. A district may undertake a water conservation program to reduce water use and may require, as a condition of new service, that reasonable water-saving devices and water ~~reclamation~~ *recycling* devices be installed to reduce water use.

SEC. 42. Section 81420 of the Water Code is amended to read:

81420. The agency may plan, finance, acquire, construct, maintain, and operate facilities for the collection, transmission, treatment, ~~reclamation~~ *recycling*, reuse, and conservation of water. The agency may carry out any project or work.